

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NAACP OF SAN JOSE/ SILICON  
VALLEY, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,

Defendants.

Case No. 21-cv-01705-PJH

**ORDER RE APRIL 7 DISCOVERY  
LETTER BRIEF**

Re: Dkt. No. 114

Before the court is a discovery dispute between the parties. See Dkt. 114. Plaintiffs seek an order striking defendants' police practices expert on the grounds that he is not a rebuttal expert and thus was untimely disclosed by defendants. See id. Defendants argue that the substance of the expert's testimony is indeed a rebuttal of the testimony of plaintiffs' experts, and further argue that plaintiffs have not suffered any prejudice from the timing of the expert disclosure. Id. at 5. The court concludes that the sanction of exclusion under Rule 37 is not warranted here, and thus DENIES plaintiffs' request to strike defendants' police practices expert.

**IT IS SO ORDERED.**

Dated: April 13, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON  
United States District Judge